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September 4, 2018

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VIA ECF

Hon. Steven M. Gold, U.S.M.J.
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

**In re: John S. Pereira, as chapter 7 trustee for the bankruptcy estate of Pawel
Capala v. Pawel Capala, et al. (Case No.: 17-cv-03434-SMG)
(consolidated with proceedings under Case No. 07-cv-3629)**

Dear Judge Gold:

This firm represents plaintiff John S. Pereira, as chapter 7 trustee for the bankruptcy estate of Pawel Capala ("Plaintiff") in the above captioned proceedings. Due to a scheduling issue with Plaintiff's preferred expert, Plaintiff writes to request that this Court grant an extension of the September 7, 2018 deadline for service of Plaintiff's expert rebuttal report. In light of upcoming religious and professional obligations, I requested that Mr. Assaf agree to a three-week extension, but Mr. Assaf would not agree to an extension of any length.¹ Given the importance of the expert analysis to adjudication of this case on its merits, and that a short extension need not cause any delay in advancing this case to trial, we respectfully request the Court grant Plaintiff until September 28, 2018 to serve an expert rebuttal report.

Respectfully submitted,

/s/ Scott. M. Kessler

Scott M. Kessler

¹ Plaintiff notes that although Defendant Jennifer Capala's expert report was due to be served by August 10, 2018, Plaintiff's counsel did not receive the report until mid-day on August 14, 2018.

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cc: Gabriel Del Virginia, Esq. (via ECF and email)
Michael Assaf, Esq. (via ECF and email)
Robert Wisniewski, Esq. (via ECF and email)